

REMARKS

The Office Action mailed January 6, 2009 has been received and reviewed. Each of claims 1-53 stands rejected. Claims 1, 16, 23, 26, 33, 41, 42, 44, 46, 49, 50, 51, 52, 53 have been amended herein. Claims 7, 13, 14, 39 and 40 have been canceled. Care has been exercised to introduce no new subject matter. Reconsideration of the above-identified application in view of the above amendments and the following remarks is respectfully requested.

Objections

Claim 41 has been objected to because of a typographical error. The phrase “accessing module for” is used twice in the sentence. Claim 41 has been amended to correct the typographical error. Applicants’ respectfully submit that claim 41 is now in condition for allowance and request withdrawal of the Objection thereto.

Rejections based on 35 U.S.C. § 112

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 has been canceled. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 112 rejection of claim 7.

Rejections based on 35 U.S.C. § 102

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . .

claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 19133, 1920 (Fed. Cir. 1989); *see also*, MPEP § 2131.

Claims 1-6, 8-11, 19-23, 26-37, 40, 45, 46, 49, 50 and 53 are rejected under 35 U.S.C. 102(a) as being unpatentable by Wilcox (U.S. Publication No. 2005/0002483, hereinafter “Wilcox”).

Independent claims 1, 26, 49, and 50 comprise methods, systems, and computer-readable media that generally recite one or more of determining, storing, and providing a time zone for healthcare information for a patient. Initially, an item of healthcare information is received for a patient. The item of healthcare information has an associated time and date. A time zone rule that applies to the healthcare information is obtained. The time zone rule is utilized to determine a time zone associated with the healthcare information. The time and date associated with the information are converted to coordinated universal format. The time zone and time and date in coordinated universal format are stored. As such, the time zone of the source of the information is identified and stored such that the healthcare information may be ordered chronologically and/or the date and time information for the healthcare information may be displayed with respect to the time zone in which the data was generated.

Conversely, Wilcox describes a system that utilizes radiologists and medical imaging facilities in disparate time zones to provide full time radiologic study of images captured at the medical imaging facilities. By Wilcox, a medical imaging facility, such as a hospital in time zone A, is paired up with a radiologist or technician in a disparate time zone B such that radiologic images taken at the hospital during the nighttime hours of time zone A are analyzed by the radiologist/technician during the daytime hours of time zone B. *Wilcox* at ¶ [0014]. The time zones A and B are located generally on opposite sides of the globe such that while time

zone A experiences nighttime, time zone B experiences daytime. *Id.* As such, radiologic study is provided to the hospital in time zone A twenty-four hours a day by radiologists or technicians who are working during their normal daylight hours and are thus more likely to be at their peak performance. *Id.*

As such, Wilcox does not describe, either expressly or inherently, each and every element of Applicants' independent claims. First, Wilcox does not convert a time and date associated with healthcare information for a patient to coordinated universal time. Second, the healthcare information recited by Applicants' claims includes any information needed to process and document patient care and treatment. *Applicants' Specification* at ¶ [0029]. The information described by Wilcox includes only radiologic images, the necessary patient identifying information, and the demographics of the study. *Wilcox* at ¶¶ [0015] – [0017]. As such the healthcare information recited by Applicants comprises a much broader array of healthcare information.

Further, Wilcox does not describe time zone rules, obtaining time zone rules, utilizing time zone rules, or any other interactions with time zone rules. A time zone rule is described in Applicants' Specification at ¶¶ [0030] – [0031] as a rule for determining what time zone should be associated with a particular item of healthcare information based on the source of the item. The rules include a patient's time zone rule, a user's time zone rule, a user-entered time zone rule, and a system time zone rule. *Id.* The system utilizes these rules to determine what time zone should be associated with the healthcare information items for the patient based on the source of the healthcare information items. In contrast, the Wilcox invention is only concerned with time zones to the extent that they aid in describing the disparate locations of the radiologists/technicians with respect to the radiologic imaging facilities. Wilcox does not

describe determining the time zone in which items of health care information are generated or storing an associated time zone for an item of healthcare information. Wilcox merely designates a location at which a radiologist/technician experiencing daytime hours provides radiologic study for a radiologic imaging facility concurrently experiencing nighttime hours.

With additional reference to independent claims 23, 46, and 53, Wilcox fails to describe, either expressly or inherently, each and every element of the claims. Initially, a request for healthcare information and date and time for the healthcare information is received. The healthcare information and stored date and time for the healthcare information is obtained. A time zone stored for the healthcare information is also obtained. The date and time for the healthcare information is displayed in the stored time zone.

Wilcox does not disclose “receiving a request for healthcare information” as is recited by Applicants’ claims. Wilcox does disclose “receiving medical images over the internet” as disclosed by claim 5 of Wilcox, but such does not disclose a *request* for healthcare information. The limitation of Wilcox merely states that medical images are received. The limitation does not describe whether the medical images are requested or are transmitted *sua sponte*. Based on the Specification of Wilcox, a valid conclusion can be drawn that the medical images are transmitted by the medical imaging facility to the radiologist/technician without direct prior notice to the radiologist/technician or request therefrom. *See Wilcox generally.*

In addition, Wilcox does not disclose obtaining a time zone stored for healthcare information. As described above, Wilcox is only concerned with time zones to the extent that the disparate locations of the medical imaging facility and the radiologist/technician are describable thereby. As depicted in FIG. 1 of Wilcox, Time Zone A and Time Zone B, depicted by reference numerals 1 and 7 respectively, are merely labels to indicate the location of the

components in their respective portions of the diagram. The Time Zones A and B (1 and 7) do not enter the workflow depicted in FIG. 1 and no description of any time zone data entering the workflow is described by Wilcox. As such, Wilcox does not disclose storing a time zone with healthcare information and thus, cannot describe obtaining a time zone stored for healthcare information or displaying a date and time for the healthcare information in the stored time zone.

Further, with respect to Applicants' claims generally, implementation of Wilcox provides the type of scenario that embodiments of Applicants' invention are designed to cure. Following Wilcox, the data items entered in a patient's electronic medical record (EMR) are provided from sources in different time zones. Wilcox only designates where the radiologic studies are to be completed with respect to a particular radiologic imaging facility's location. As such, without Applicants' invention the data items entered in the patient's EMR do not have a time zone associated with them in the EMR and a user viewing such entries may not know, or be able to easily discern the chronological order of events in the patient's care. Embodiments of Applicants' invention may be implemented with the invention of Wilcox to obtain a time zone rule that applies to the data items provided by the radiologic imaging facility and by the disparately located radiologist/technician. *See Applicants' Specification* at ¶ [0038] ("...the interactions applying the user time zone rule include user interactions such as, ... reading and interpreting a chest x-ray...."). The time zone rule is then utilized to determine a time zone associated with each of the respective data items. The respective time zones are then stored and are displayed with each of the respective data items when viewed by a user.

Accordingly, it is respectfully submitted that Wilcox fails to describe, either expressly or inherently, each and every element of independent claims 1, 23, 26, 46, 49, 50, and 53. Moreover, Wilcox fails to show the identical invention in as complete detail as contained in

the claims. Thus, it is respectfully submitted that claims 1, 23, 26, 46, 49, 50, and 53 are not anticipated by Wilcox. Therefore, withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1, 23, 26, 46, 49, 50, and 53 is respectfully requested.

Each of claims 2-6, 8-11, 19-22, 27-37, 40, and 45 depends either directly or indirectly, from independent claims 1, 23, 26, 46, 49, 50, and 53. As such, it is respectfully submitted that Wilcox fails to describe, either expressly or inherently, each and every element of these claims for at least the above-cited reasons. Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejection of claims 2-6, 8-11, 19-22, 27-37, 40, and 45 is respectfully requested.

Rejections based on 35 U.S.C. § 103

Claims 12, 17, 25, 38, 43 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcox in view of Teshima (U.S. Patent No. 6,272,470, hereinafter "Teshima"). Teshima describes storing patient health record data to a portable storage medium. *Teshima* at col. 3, lines 29-31. The portable storage medium is then kept by the patient and is presented to medical personnel at times when a patient receives medical care. *Id.* at col. 3, lines 32-33. The portable storage medium thus provides the medical personnel with the patient's health record data or links thereto. *Id.* at col. 3, lines 33-37. The portable storage medium is then updated with health record information generated when the patient receives further care. *Id.* at col. 4, lines 18-19. Teshima, among other things, also does not convert healthcare information to coordinated universal time.

As such, Teshima fails to cure the deficiencies of Wilcox. Accordingly, Applicants respectfully submit that claims 12, 17, 25, 38, 43 and 48 are not obvious over Wilcox in view of Teshima for at least the reasons provided above. Further, claims 12, 25, 38, and 48 depend either directly or indirectly from independent claims 1, 23, 26, and 46. Therefore,

Applicants submit that claims 12, 25, 38, and 48 are not obvious over Wilcox in view of Teshima for at least the reason of their dependency. Applicants respectfully request withdrawal of the 35 U.S.C. § 103 rejection of claims 12, 17, 25, 38, 43 and 48.

Claims 7, 13-16, 18, 24, 39-42, 44, 47, 51, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcox in view of Olsen (U.S. Patent No. 5,999,493, hereinafter "Olsen"). Olsen discloses using a radio broadcast of Coordinated Universal Time (UTC) to synchronize clocks contained in an automated external defibrillator (AED) device and in a computer system for processing 911 calls such that response times of emergency response personnel may be accurately calculated. *See Abstract of Olsen.*

As such, Olsen does not cure the deficiencies of Wilcox. Olsen, like Wilcox, does not, among other things, convert healthcare information for a particular patient to coordinated universal time. Olsen merely synchronizes clocks of devices. Claims 7, 13, 14, 39 and 40 have been canceled. Applicants submit that claims 15-16, 18, 24, 41-42, 44, 47, 51, and 52 are not obvious over Wilcox in view of Olsen for at least the reason of their dependency. Applicants respectfully request withdrawal of the 35 U.S.C. § 103 rejection of claims 15-16, 18, 24, 41-42, 44, 47, 51, and 52.

CONCLUSION

For at least the reasons stated above, claims 1-6, 8-12, 15-38, 41-53 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or jdickman@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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